THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13365 of 2007

Dated: 26-06-2007

Between:

A.Venkat Reddy.

..... PETITIONER

AND

The Revenue Divisional Officer, Nuzvid, Krishna District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13365 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Ac.1.00 in survey No.669/3 situated at Ganugapadu Revenue Village, Tiruvuru Mandal, Krishna District. He alleges that his father purchased the land under registered sale deed dated 30.04.1973. He also alleges that he obtained pattadar passbook and title deed from the revenue authorities. He further alleges that on 15.06.2007 at 11.30 AM, the Mandal Surveyor from the office of second respondent surveyed the land with a view to take the same for Integrated Novel Development In Rural Areas and Model Municipal Areas (INDIRAMMA) programme. The grievance of the petitioner is that without initiating action under the Land Acquisition Act, 1894 (the Act, for brevity), action taken by the respondents is illegal and arbitrary.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue, this Court is convinced that the writ petition is filed on mere apprehension. The survey undertaken would not necessarily lead to an inference that the respondents would not follow due process of law for acquiring the land. If the petitioner is in occupation of the Government land, things would be altogether different. This Court observes that if the petitioner is the owner of the land and the same is required for INDIRAMMA programma, needless to say that the respondents must follow the procedure under the Act. If the petitioner is in occupation of the Government land or is an encroacher, necessary action has to be initiated under the Andhra Pradesh Land Encroachment Act, 1905.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th June, 2007

ghn